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GOVERNOR'S MESSAGE.

STATE OF MISSISSIPPI,
EXECUTIVE OFFICE,
Jackson, Jan. 4, 1876.

To the Senate and House of Representatives:
In the discharge of a duty incumbent upon me, of giving you information concerning the condition and interests of the people, I call your attention to the late State election, and the events incident thereto, as a subject whose magnitude and importance demand the wisest and calmest consideration.

On the fourth day of September last, a political meeting at Clinton, Hinds county, was interfered with and dispersed by violence, which resulted in the death of a number of persons, and which was followed, subsequently, by the pursuit and shooting of others, by armed men riding through the country, impelled by a rough fear of violence, men abandoned their homes, and fled by hundreds to this city for safety.

The fifth and following days of September found this city crowded with panic-stricken fugitives, unconscious of offense, imploring such assistance as would enable them to return to their homes and shield them in the peaceful pursuit of their labor.

While a city full of refugees was one illustration of the violence and the success of lawlessness, another was to be found in the fact that a sheriff's posse, which was sent to Clinton from this point, was headed by a flag of truce.

At this juncture, business was suspended, and disquiet or terror existed in the minds of all. The authority of the county was paralyzed. The sheriff reported his utter helplessness to give the needed protection. It then became the duty of the State government to suppress the lawless bands, which, for some purpose other than the punishment of crime, or the pursuit of criminals, had established so lamentable a condition of affairs.

The spirit which precipitated the Clinton outrage, by no means its origin, then and there. Previous to that day, the sheriffs of two adjacent counties had been expelled by force, or what is substantially the same, after encountering much lawless violence, which no power at their command could control, had made their escape beyond the borders of their counties, leaving them without the chief peace officer which the law has made so indispensable.

Nor was violence, or the fear of it, confined to two or three counties. Appeals for protection and aid came from all directions. The State was without a militia or constabulary force. Although previous political disturbances had occurred of a magnitude too great for local or State authorities to cope with, the sentiment against a militia, or other armed force, was so powerful and so general as to prevent its successful organization. This hostile sentiment to maintaining peace and affording protection by force, was chiefly due to a few callous and despotic men. While one part of the people were thus discountenancing the militia in the interest of peace, another part was converting the State into a broad military encampment, which called forth a proclamation, bearing date of 7th September, 1875, commanding, though ineffectually, their disarmament. The day anticipated, when the State should need force and be without it, had arrived.

Under such a combination of circumstances, which could exist only in a State where the inhabitants are of two distinct races, with strong racial prejudices and antagonisms, it was not surprising that the National Government for assistance to protect against domestic violence. This call was unsuccessful. It was followed by a succession of demonstrations by the armed part of the people towards the unarmed, causing a feeling of insecurity and danger, which continued until after the day of the election.

A renewed effort to organize a military force, developed the deep-seated bitterness of the race issue, and the extent of the intimidation which prevailed. While appeals for aid and protection came from all sides, and often from men who were held by them that such forces as might be organized under the State laws, could not be serviceable. On the contrary, the conviction prevailed that they would only precipitate the conflict it was sought to avoid.

The seizure of State Arms on their way to the Capitol, the liability of seizure in sending them away from the Capitol, and the necessity of storing the few arms on hand at the United States camp, for safe keeping, were additional causes which embarrassed and prevented the organization of a militia. Consequently only those (with one exception) but in one county—the seat of government. Many who took arms, did so to obtain the means of self-defense; few were accustomed to their use, and instruction and discipline were quite impracticable.

The fund for militia purposes, appropriated by the late Legislature, was sixty thousand (\$60,000) dollars, but with the condition that fifty-five thousand (\$55,000) dollars should be used only in case the militia should be called into active service. An early injunction from the courts prevented the expenditure of any part of the latter sum.

The remaining five thousand (\$5,000) dollars were soon expended, and there were no means to transport beyond the borders of this county, the recruiting ground and depot, the few undisciplined companies formed within.

Provisions had been made to protect the sheriff of Yazoo county in his return to his county, he having previously been driven away. Deeming the means inadequate, he declined to make the attempt. He has not been able to return to this day. Because of the attempt to organize and maintain a militia to protect citizens in the exercise of their rights and privileges, as bestowed upon them by the constitution and the laws, a class of people rebelled against it. To avoid threatened deeds of resistance and violence to State officials and individuals, towards possible consequences, a committee of prominent citizens, powerful in controlling one of the political organizations of the State, gave their pledges that they would "do all in their power to preserve peace and good order, and secure a fair election." As to their power to preserve peace and good order, and secure a fair election, I did not entertain a doubt.

This novel and humiliating spectacle, in the government of a free people, was presented: regularly organized legal authority unable to preserve peace and good order and secure a fair election; the leaders of a political organization assume to do it with the accredited.

The deeds of violence already alluded to, and many similar ones of greater or less magnitude, in various parts of the State, had the effect to intimidate many voters. The extent of such intimidation may be judged by the following facts:

In various counties the meeting together and consulting of voters before election, an important proceeding in a government like ours, had to be wholly or partially abandoned.

In one county not only was there no preliminary canvass, but the danger was regarded so great that no convention was held to nominate candidates for office.

In certain counties, the voters could not be freely and safely distributed, and in one county not at all.

From one county prominent candidates for office fled before election, fearing violence, if not assassination.

In another county one party, through fear of the other, refused to appear if they refused, struck from their tickets names of candidates formerly and regularly nomi-

nated, and substituted those of their opponents with whom there existed no political affinity.

In certain counties, on the day of election, voters were driven from the polls by armed men, or so intimidated by them that they feared to vote.

In one county the principal county officials were driven away from their posts on the day following the election, and have been refugees since. This county, Amite, was the one remote from the seat of government where the effort to organize the militia succeeded.

These are effects, not detailed statements of causes which produced them.

The courts of the State have been unable to dispense justice in such cases. The conviction that frauds were perpetrated at the late election, gathers strength by comparison of the returns with those of preceding elections.

That the great evil which has befallen the State may be remedied, it first becomes necessary to inquire into its causes. The happy financial condition of the State, and the comparatively small amount needed for its support, preclude the possibility of a financial cause. Intimidation was not proportioned to counties in accordance with their indebtedness. Thorough intimidation was effected in some counties whose finances were in the most flourishing condition.

The character of the events which have transpired, compel the conclusion that the evil is to be attributed to a race question. It did not have its origin at this time.

The inhabitants of the State are somewhat racially divided between the two races. They have until recent years, borne the relations of master and slave. By a power external to the State, the slave has been made the civil and political equal of the master. The withdrawal of this restraining force leaves the formerly dominant race to re-assume its supremacy. Though the complete supremacy of former days may not be possible, still the tendency is towards supremacy.

The effort in this direction has heretofore and elsewhere resulted, as in this election, in violence, loss of life and intimidation. How far this effort has resulted in the virtual disarmament of the one race, and the revolutionized the State government, is a question worthy the most patient and careful inquiry.

Unless every class of citizens be thoroughly protected in the exercise of all their rights and privileges, our government proves unequal to its proper end. The nations, recognizing race antagonisms, have anticipated them in the interests of liberty and equality by modifications of the fundamental law of the land, and I recommend, as both right and expedient, action in harmony with such modifications.

THE STATE FINANCES.

The condition of the State's finances is unprecedentedly favorable. The real debt of the State, that is, its outstanding obligations beyond its ability to pay at once, with its current and available funds (the taxes received for 1875, amounts to about \$500,000).

The Common and Chickasaw School Funds, debts upon which the interest only is to be paid, the principal never becoming due (obligations incurred many years since), amount to \$1,530,620.

The expenses of the State government, during the past year, amount to \$618,259.18. The amount paid to the two Universities of the State, to normal schools, and interest on Chickasaw School Fund, was \$136,596.37. The Mississippi State Bonds paid amounted to \$250,000.

Interest on bonds, \$37,664. Extra improvements, State buildings, \$96,017.44.

The progress made during the past three years, in reducing the expenses of the State government, is found in the comparison of such expenses, as to wit:

The expenses in 1873 were, \$503,039.13. " 1874 " 408,330.72. " 1875 " 618,259.18.

The successful administration of State finances will be seen in the comparison of receipts and disbursements during the past five years:

Disbursements over receipts, for 1871, \$380,895.86. Disbursements over receipts, for 1872, \$347,552.36. Disbursements over receipts, for 1873, \$674,128.50.

While, on the other hand, the receipts over disbursements were, for 1873, \$49,114.17. Receipts over disbursements were, for 1874, based on moderate estimate of taxes already received and due, over, \$400,000.

The amendment of the Constitution, adopted at the last election, authorizes the reduction of the expenses of the Judiciary to an extent which heretofore has been impracticable.

The State indebtedness of half a million can easily be discharged in two or three years, when the comparatively light tax for the support of the State government of today, of about one dollar and thirty cents per inhabitant, can be reduced to less than one dollar.

I recommend a return to the financial system of 1874, when taxes were paid only in the currency of the United States. The receipts were in excess of the expenditures, and had tax collectors been required to collect and pay into the treasury the taxes at an earlier date, the one defect of the system would have been remedied. Under existing law, State paper, by the manipulations of the speculator, fluctuates through a range two or three times greater than it ought. Should it be known that at the end of the year State warrants for taxes, which they could not fall below a margin which would yield a liberal interest. The changes recommended will accomplish this end.

For a complete and detailed statement of receipts, disbursements and indebtedness your attention is called to the official reports of the State Treasurer, and the Auditor of Public Accounts.

AMENDMENTS TO THE CONSTITUTION.

The following amendments to the Constitution of the State were adopted at the general State election, which took place on the second of November last. That, in relation to the Union and Planters bank bonds, which adds to section five of article twelve of the Constitution the following words, to wit:

"Nor shall the State assume, redeem, secure, or pay any indebtedness, or pretended indebtedness, claimed to be due by the State of Mississippi to any person, association or corporation whatsoever, claiming the same as owners, holders, or as signers of any bond or bonds, now generally known as Union bank bonds, or Planters bank bonds."

That in relation to the school fund, which amends section six, article eight of the Constitution as follows, viz:

"All proceeds of lands now, or hereafter vested in this State for school or purchase for school purposes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the laws of the State for the sale of intoxicating liquor, or keeping of a gaming house, shall be collected in legal currency of shops, shall be collected, and to be paid into the United States, and to be distributed, pro rata, among the educable children of the State, in the manner to be provided for by law."

That authorizing a reduction of the number of Chancellors, substituting for the seventh section of the sixth article of the Constitution, the following, viz:

The Legislature shall divide the State into a convenient number of Chancery Districts. Chancellors shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least twice in each year, and shall receive such compensation as may be provided by law.

Economy demands that the number of

Chancellors should be reduced to the minimum compatible with the efficient discharge of the duties of the office.

RAILROADS.

The educational funds of the State, which a former Legislature granted to railroads, has been under litigation during the past year. Time but confirms the views entertained by me a year ago, and which I now reiterate.

I recommend the repeal of so much of an Act entitled "an Act to aid in the construction of the Vicksburg and Nashville Railroad," approved April 18, 1873, as surrenders to the Vicksburg and Nashville Railroad Company, under certain conditions, trust funds, the three per cent, and the agricultural land scrip, which amount to some \$320,000.

I also recommend the repeal of so much of an Act entitled "an Act to amend the several Acts now in force concerning the Grenada, Houston and Eastern Railroad Company, and for other purposes," approved January 17, 1875, as exempts said railroad company and its acquisitions from taxation. The agricultural land scrip fund was recently bestowed by the United States, to constitute a perpetual fund—the capital of which shall be the interest on the bonds of the State, and the interest of which shall be inviolably appropriated by each State, which may take and claim the benefit of this Act, to the endowment, support and maintenance of at least one agricultural college.

The State was authorized, at the same time to invest this fund in "stock of the U. S. or of the States, or some other stocks," Has the State done so?

The railroad company to which this fund is proposed to be surrendered, has not completed a single mile of road. As projected, it will when completed, extend some 250 miles in this State, and about 150 miles to the State of Tennessee, making a total of some 400 miles. The section now being worked on is between Okolona, on the Mobile and Ohio railroad, and Grenada, on the Mississippi Central, (now the New Orleans, S. Louis and Chicago railroad), a distance of some 65 miles. It is asserted that some twenty miles are now ready for the iron.

Judging by its progress to the present time, a number of years must elapse before these sixty-five miles can be completed and in a condition to pay interest on its bond. Were it in working order to-day, between Okolona and Grenada, it would run through but one county untraversed by railroads and would be but a feeder to two great railroads.

Its Southern terminus is some two hundred miles from the Gulf of Mexico, and its most important intervals the road is intersected by three rich and powerful lines, well established and in successful operation. The history of railroads has taught that only through roads, which carry the products of a country to market, are successful, and especially so in the case in sparsely settled sections; and it has also taught that new roads are rarely, if ever, able to meet the powerful demands of stock and bondholders.

Is a paper railroad, like this, one but little more than projected, a safe investment? Is it one that can, in any reasonable period of time, from its legitimate business, pay an interest of eight per cent to its bondholders? Is it an investment from which the principal can be withdrawn at will? If not, it certainly is not the best investment that could be made, nor even a safe one.

In the opinion of this subject, it must not be forgotten that the Vicksburg and Nashville Railroad is not a railroad in reality; it is but a projected one.

Observe the security extended by that Company to the State. Four hundred miles of road, at \$30,000 per mile, supposed to be a safe investment, and in good running order, will cost some twelve millions of dollars (\$12,000,000). The State is expected to advance to the road \$320,000, and receive, in return, the note of the Company, secured by first mortgage bonds to the same amount. Can the State regard such a security as "safe" stocks? Could the United States, in bestowing this fund for the education of our youth, have contemplated such an investment?

The first mortgage bonds, proposed as collateral security, cannot be deemed of much value. The first mortgage bonds, to the amount of some ten millions (\$10,000,000) may be issued. In fact, the law places no restriction upon the amount of such bonds.

The experience of the State, in aiding railroads with its trust funds, has not been such as to cause its tax payers to contemplate the effects of this law with any very lively satisfaction.

In our reasoning as to the safety of this investment, we should not neglect to consider, should the law remain unrepelled, the possible action of some future Legislature, when this country is in days of adversity, appears before it and pleads poverty or misfortune.

The success of this road can in no wise depend on the sum of \$320,000 expected from the State, which, though insignificant as compared to the cost of the road, is highly important to the State. To withhold it cannot embarrass the road or impede its progress. However, if it should, then the "stocks" of the Vicksburg and Nashville Railroad cannot be regarded as safe, and the sooner the fact is known by the people who are paying taxes in the interest of the road, should be, if possible, more cautious and circumspect in the disposition of the funds of the State, than with our own. Are we prepared, as individuals, to invest our own funds in this enterprise?

By the original charter, granted by the Act of January 17, 1872, heretofore referred to, the road is authorized to buy, without restriction or limitation, and all its property and acquisitions, of whatever character, shall be exempt from taxation for thirty years, or till the road shall pay a dividend of eight per cent to its stockholders.

Under such provisions, all the roads in the State can be consolidated, and their entire wealth, amounting to a tenth or a fifth of the property of the State, would be exempt from taxation. And this, too, though only a small section of the road, in which interest the State is invested, should be built.

It is a foregone conclusion that such a corporation would delay for many a year the announcement that the stockholders were to be paid a dividend of eight per cent, and with such announcement expose their millions to taxation.

Railroads, when friendly to the people, and inestimable advantage, but when used to oppress them, are quite the reverse. Let this law stand, and there will spring from it a corporation, which, if ruled by the spirit of the Legislature, which gave it birth, will sooner or later, blight, if not destroy every other interest of the State.

The State should protect itself now, when the task is so easy, and not leave it to the people, at some future day, when outraged and indignant, to rise in their wrath and show that what they create shall not be superior to their wits—the creditors.

The law which exempts the property of this road from taxation, is, in my opinion, unconstitutional. The Constitution reads as follows: "The property of all corporations, for pecuniary profits, shall be subject to taxation, the same as that of an individual." It seeks to accomplish by indirect means, what is so plainly forbidden. The people who adopted the Constitution and bear the burden of supporting the government, will never consent to such a flagrant violation of it. If any are to be relieved from taxation, let it be the poor rather than the rich and powerful.

It is all too plain in favor of internal improvements, but no true friend of the State, or of progress, can ask that unwise and unconstitutional laws shall find place in our statute books for that or any other purpose.

A commercial enterprise must breathe life into all enterprises for pecuniary profits, and that road which depends solely on State

and county subscriptions, and is undertaken with money borrowed thereon, entailing no other capital, must be of problematical success.

There is an attempt to make it appear that this investment is a contract; that the company receives it as a grant. Is it a grant? Are we giving this sacred fund away?

On the contrary, the State accepted it with the understanding that it would not do so. She is honor bound not to do so.

We can but invest it. And the investment in this road should not put the State under obligations to it, more than she would be to the United States, or other States, were the funds invested in their stocks.

The road can regard it but as a loan. It is required to give securities, and additional securities may be demanded at any time. And were the law relative to this railroad defective in no other particular, it would be incumbent on the State, as its last duty, to demand full and sufficient securities.

It is asserted that by repealing this law, the reputation of the State, not now too good, will be still further injured. The repeal of unwise and unconstitutional laws, in the interest of the whole people, and in harmony with the previously pledged faith of the State, must be far more to her credit than it would be to let such laws stand, pregnant, as they are, with so many evil consequences.

I also call your attention to the case of the Vicksburg and Ship Island railroad. This road received, over two years ago, upon the construction of eleven miles, a State subsidy of \$100,000. The road neglected to pay the interest due on this sum, as required by the law. Little, if any, progress has been made on the road since the completion of the first eleven miles. Because of, or deviation from its charter, the payment of additional subsidies has been suspended, and the question practically, as to such payment, is before the courts. A compromise has been requested by the road, but as a large amount of money is involved, I have deferred action, preferring to submit the case to the Legislature, which alone may be able, by legislation, to save the people from the additional taxation the further payment of the subsidy may impose, or to obtain security beyond question.

EDUCATION.

Neither arguments nor statistics are necessary to make known the great extent of illiteracy which exists in the State. It is as much the duty of the State, as it would be to its advantage, to effect a speedy change in this particular. Much has been done already, but the State is more capable at this time, since the amendment of the Constitution, to extend its aid and fostering care. By that amendment, moneys which would otherwise have been locked up as a perpetual fund, can now be applied to educational purposes, year by year, as they are received. This will permit of the building of additional school-houses, the employment of the best class of teachers, and the extension of the periods of instruction.

The prosperous condition of the finances of the State is such that, with the slightest effort, school facilities can be extended to every child. But, unfortunately, ignorance, with its lack of appreciation, too often refuses to take advantage of the educational opportunities which are presented. To overcome this obstacle, laws should be enacted and enforced, requiring the attendance of every child for a limited period of time each year. Money and labor can never be more beneficially expended in the interest of education than now.

PENITENTIARY.

The total number of convicts in the Penitentiary, as shown by the register, is, 513. The average number within the walls during the year, 200. The number leased out, 373. The number received in 1874, 236. The number received in 1875, 373. Deaths in 1875, 33. The number of serviceable cells, 175.

While it is admitted that the only proper place for convicts is within the prison walls, necessity has compelled the adoption of a policy which takes the larger portion without the walls. It will be observed that while the total number of convicts is 513, the number of serviceable cells is 175. The safe keeping of this number of prisoners, in such contracted quarters, could not be compatible with humane treatment. Furthermore, no sufficient means has been provided for the useful employment of so large a number within the walls.

The cost of keeping so many idle persons would aggregate, during the year, tens of thousands of dollars.

This want of accommodations and employment forced the leasing of hundreds of the convicts, whereby the State has been relieved of the expense of their support, clothing and guarding, and received, in addition, a small compensation for their services. The convict however, who is working on levees, railroads, or cultivating cotton, receives a much less severe punishment than the law intended he should receive when it consigned him to the narrow limits of the prison. That the convicts may be retained within the walls in the future, the number of cells should be increased; and suitable machinery purchased, before the expiration of the present lease, at four years hence. At the present time the labor saved by the State, does not exceed in value \$300. Last year a large and substantial building was erected, which is well adapted for a cotton factory. To increase the accommodations for prisoners, the foundations of an addition to the Penitentiary have been laid. I recommend that appropriations be made for the purchase of machinery, and also for materials for the completion of the new building.

INSANE, BLIND, AND DEAF AND DUMB ASYLUMS.

The management of the Insane, Blind, and Deaf and Dumb Asylums has been eminently successful during the past year.

To increase the capacity of the Insane Asylum, and meet the numerous demands for admission there by the unfortunate, an appropriation of \$25,000 was made by the last Legislature, and expended during the year in the erection of an additional wing to the Asylum. The appropriation was very judiciously and economically expended, the greater part of the labor being performed by convicts from the Penitentiary.